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ORDINANCE NO. 46-448

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND IMPROVEMENT OF HILLSIDE AVENUE FROM KELLOGG AVENUE TO CENTRAL AVENUE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for improvement of Hillside Avenue from Kellogg Avenue to Central Avenue in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

The West 4 feet of odd Lots 9 through 23, on Hillside Avenue, in Morris Plat, a subdivision of Lot 5, Block 8, in College Hill Addition to Wichita, Sedgwick County, Kansas; and

a portion of Lot 36, Chautauqua Place, an Addition to Wichita, Kansas described as beginning at the Northeast corner of Lot 36; thence South along the East line of Lot 36 a distance of 129.75 feet to a point on the South line of Lot 36; thence West 30.00 feet along the South line of Lot 36; thence Northeasterly 14.14 feet, more or less, to a point 20.00 feet normally distant West of the East line and 10.00 feet normally distant North of the South line of said Lot 36; thence north parallel with the East line of Lot 36, 119.75 feet to a point on the North line of Lot 36; thence East along said North line 20 feet to the point of beginning; and

a portion of Lots 23 and 24, Supplemental Plat of Rittnehouse's Subdivision of Lots 1 and 2, Block 1 in Richland 2nd Addition to the City of Wichita, Kansas described as beginning at the Northeast corner of said Lot 24; thence South along the East line of Lot 24 128.50 feet; thence West 11 feet along the South line of Lot 24; thence North 107.31 feet parallel to the East line of Lot 24; thence Northwesterly 28.34 feet, more or less, to a point on the North line of said Lot 23;

said point being 5 feet West of the Northeast corner of Lot 23; thence 30 feet East along said North line, and the North line of Lots 23 and 24, to the point of beginning.

Temporary construction easements for driveway and road construction in and to the following-described tracts, to-wit:

The east 12.00 feet of the west 16.00 feet of Lot 9, 21 and 23 together with the east 12.00 feet of the west 16.00 feet of the south 15 feet of Lot 11, all in Morris Plat, a subdivision of Lot 5, Block 8, College Hill Addition to Wichita, Kansas and

The west 10.00 feet of the east 21.00 feet of the south 35.00 feet of Lot 24, Supplemental Plat of Rittenhouse's Subdivision of Lots 1 and 2, Block 1, in Richland 2nd Addition to the City of Wichita, Sedgwick County, Kansas

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 8th day of February, 2005.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law